

SENATE JUDICIARYExhibit No. 6Date 3-30-07Bill No. HB 643

To: Members of the Montana Senate Judiciary Committee
Date: 3/29/07
RE: HB 643

Senators,

We are writing this letter to voice our support for HB643. We believe this is a critical piece of legislation. It is vital for the protection of our children.

First of all the sentencing requirements serve as a strong deterrent for would be first offenders. People who commit sexual crimes choose to do so. If the consequence of their choice is 25 years in prison they would be much less likely to act on their inclinations.

Lifetime probation for offenders and life sentences for repeat offenders are necessary for the safety of our children. According to research collected by the John Howard Society of Alberta, non-incest child molesters were found to sexually recidivate at rate of 19.5%. Moreover, long term follow up of these offenders has shown that they are at risk of re-offending through out their lives. One long term follow up study found that 42% of the total sample was reconvicted for sexual and/or violent offense, and 10% of the sample was reconvicted between 10 & 31 years after release.

Essentially people who commit sexual crimes against children will continue to until they are stopped.

This legislation would serve to make Montana less desirable of a place for persons with records of sexual crimes to move to. As opposed to Wyoming's current situation.

There are some who have expressed concerns that the required sentences may make persons reluctant to report relatives. This is conjecture. We can just as easily say that the persons unwilling to report relatives under the tougher sentences wouldn't report them regardless what the sentence is.

There are others who believe we are not solving the problem by locking offenders away. First and foremost we must protect our children. As was said earlier the statistics have shown sexual predators of children will continue until stopped. There are many treatment programs being developed, and this is good. However, they are unproven. We cannot take a chance.

There are still others who are concerned about prison crowding. We understand, this is a real concern. However, we can't let this tie our hands and stop us from taking the right action. If there were to be a \$400.00 property tax rebate you can take ours and put it towards jailing a child molester.

This is a good bill. It will act as a deterrent for potential first time offenders. It will protect against offenders and repeat offenders.

This bill must pass and become law. Our number one commission in life is to protect our children, our future. Regardless of what side of the aisle we stand on we can all agree on this. This bill goes a long way to protect our children. Please pass this bill.

Respectively submitted

Joel F. & Charlie Y. Murdy
1003 E. Silverbow Ave.
Belgrade, MT 59714

3/2007

Several years ago, a few miles from our home, during the night, a little girl was taken from her home as her parents slept. She was threatened with a hatchet, drugged so she couldn't call for help and struggle, molested, and left naked in the next town's cemetery. Somehow she survived.

All the therapy in the world will never erase what she went thru.

Since then, we have become more concerned about the safety of children in our neighborhood, our schools, town, surrounding area, and our state. It's sickening to read the growing amount of sex offenders, repeat offenders, and the victims they leave behind.

Whether it's a stranger or person the child knows, there is no excuse for anyone to do such cruelty, or be subjected to it. No matter what words are used: fondled, molested, sexually abused, raped, pornography, it's all heinous acts that no child should ever experience.

We feel if there were tougher laws against sex offenders, it would send a strong message that we in Montana do not tolerate it. We truly value our children.

Abusers have lost their rights when they have stolen the lives of the most innocent in our society.

Something must be done to help them, to prevent more of our young from becoming victims, scarred emotionally and physically for life.

In Montanians, we shoot any predators when they kill our livestock. What does Montana do to human predators?!

Our children are just as important.

We are glad to know that there are people in our Capital who share our same concerns.

House Bill 643, is a step forward to helping protect our children.

Attached are newspaper articles collected over the last few years that reinforce the need for this legislation.

Thank you for your time.

Sincerely,

Mr. & Mrs. Joel Mundy

*Predators/ from page A1

Perry's bill is the end result of a bipartisan committee that looked into the issue, based on bills that he and Sen. Rick Laible, R-Victor, brought forward during the 2007 Legislature.

It would mandate a 100-year prison term for any adult who has sexually abused a child under 13 years of age, with no possibility of parole for the first 25 years of that term.

* It also would strengthen reporting requirements for all sex offenders and require that all sex offenders' pictures be posted on the state's online offender registry. Current law requires only "sexually violent predators" — or those deemed most likely to strike again — must have their pictures posted.

One of the main proponents of Jessica's Law has been TV and radio talk show host Bill O'Reilly, who regularly displays a map of the nation showing which states have adopted the law. Until recently, O'Reilly labeled Montana yellow for "heading in the wrong direction."

Perry said that Montana was already on its way to cracking down on sexual predators when the first Jessica's Law was passed in Florida. At that time, the

Montana Legislature adopted a law requiring electronic monitoring of sexual predators.

The only reason Jessica's Law hasn't been adopted already in Montana is because state lawmakers only meet every two years.

* "We'll show, as we have shown, that we are leaders in this regard by passing a very strong, powerful sexual predator law to prevent the predation of our children in Montana," he said.

The bill goes further than many versions of Jessica's Law in that it closes loopholes in the state's sexual offender registry, Montana Attorney General Mike McGrath said.

For example, sex offenders must now register within three days of a change of address.

* "Children have the right to be free (and) families have the right to be free from sexual predators and we think this goes a long way to protect these children," McGrath said.

The constitutionality of Jessica's Law has been challenged in other states, particularly in California, where last

year a federal judge struck down a provision limiting where convicted sex offenders could live, according to news reports.

Despite what happened to Jessica Lunsford, such occurrences are relatively rare. Most child victims know the person who assaulted them — many times it is a family member.

* That's why Hudak said Jessica's Law could have the opposite effect of what it is intended to do because, despite what has happened to them, many victims and their families are reluctant to send a family member to prison for such a long time.

The law also removes much of a judge's discretion to weigh the merits of a case and shape an appropriate sentence. Simrud, whose bill requires a minimum 25-year sentence if the victim was under 13, doesn't see that as a problem, given the nature of the crime.

* Sexual predators "need to be locked up and put away," he said during a committee hearing on the bill Friday. Walt Williams is at williams@dailychronicle.com



Lawmakers

get tough on sexual predators

BY WALT WILLIAMS
Chronicle Staff Writer

HELENA — Lawmakers here say they want to crack down on sexual predators who prey on children, and hope to do so with a version of a law instigated by the rape and murder of a 5-year-old Florida girl two years ago.

More than 30 states have passed some version of "Jessica's Law,"

which generally mandates prison terms of at least 25 years for people who sexually abuse children under the age of 14.

* The name comes from Jessica Lunsford, a young girl who was killed in 2005 by a convicted sex offender.

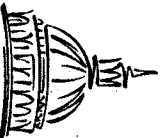
Two Bozeman-area lawmakers are carrying bills that would bring Jessica's Law to Montana.

Such legislation has proven popular with both Democrats and Republicans and has sailed through with little opposition, but there are still a few who question its effectiveness.

* My main concern is we have an effective (sex-offender) treatment system in Montana and people have a hard time believing that," Andy Hudak, of the Montana Sex Offender Treatment Association, said.

Senate Bill 547 by Sen. Gary Perry, R-Manhattan, and House Bill 643 by Rep. John Simrud, R-Bozeman, both are versions of Jessica's Law. Both bills have been passed out of committee.

INSIDE



Legislature
2007

■ Roundup of legislative action
page C4-5

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/from page A1

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Conover said MSU will also

be watching to see whether
Billings lawmaker Corey
Stapleton revives his effort to
create a state medical school.

MSU opposes that idea, argu-
ing that the WWMAT program
does a terrific job training
Montanans to become doctors
at a fraction of the price
through the University of
Washington.

One thing that's new this
year is a record \$1 billion state
surplus.

"It does create a bit of a
feeding frenzy," Conover said.
Gail Schontzler is at
gails@dailychronicle.com

seen on the Mississippi River
near St. Paul, ice fishing tour-
naments have been canceled.
The U.S. Pond Hockey
Championships — scheduled
for Jan. 19-21 in Minneapolis
— have only a 50-50 chance of
being held.

And organizers of the St.
Paul Winter Carnival, sched-
uled to begin late this month,
said the ice is not thick enough
to harvest into 1,400 blocks for
the ice maze. They may have to
switch to plastic blocks.

In Ohio, Dan Moritz said
sales for his firewood business
in a Cincinnati suburb are

Priorities / from page A1

Most of the experience is on
the GOP side of the aisle, with
four of the county's six
Democrats new to the
Legislature. Jent is the senior
Democrat, having served for
six years in a House that was
either controlled by
Republicans or split evenly
between the parties.

Jent, when asked, said some
important legislative priorities
for him were affordable health
care, education and property
tax relief, which he believes
should come from changing the
state's tax structure.

"We may have a chance with
the unusual situation, with the
(\$1 billion) budget surplus, to
actually have a debate this time
about our revenue — about
what tourists should pay for,
about what the future is for a lot
of things," he said.

Rep. Mike Phillips, D-
Bozeman, who began his first

term Wednesday, said he hopes
to do more than his fair share in
setting policy during the ses-
sion.

"I really don't care where
(good ideas) come from," he
said. "If somebody over there
has a great idea, that's super."

Phillips has his own ideas,
though. One of the top ones is
energy, and he is sponsoring
several bills focusing on energy
conservation and renewable
resources. He also wants to
increase fines on motorists who
speed in school zones.

All the county's Republicans
have served before in the
Legislature.

One difference this time is
that Rep. John Sinrud, R-
Bozeman, will chair the House
Appropriations Committee,
which shapes the state budget.
Sinrud questions the gover-
nor's budget, saying that it
increases government spending

at a much higher rate than the
growth in personal income in
Montana.

While the state is enjoying
high times with its current
budget surplus, the lawmaker
said it has to prepare for the
lows times as well.

"So we need to be very pre-
cise about how we spend the
dollars and the tax revenue
coming in," he said.

Sinrud said another goal for
him in the session is ensuring
that children are better pro-
tected from sex offenders.

That is also main goal for
Sen. Gary Perry, R-Manhattan,
who started his second term in
the Senate. He wants to see a
version of Jessica's Law passed
in Montana, which requires a
mandatory minimum 25-year
sentence and lifetime elec-
tronic monitoring of adults
found guilty of performing
sexual acts with children

under 12 years of age.
"I'm confident we are going
to pass that and strengthen our
laws against those who prey on
children," he said.

The Gallatin County law-
maker with the most experience
is Rep. Jack Wells, R-Bozeman,
who has served 12 years in both
the House and Senate.

He said he has only one
major goal during the session,
and that is to spend the least
amount of taxpayer money and
still keep state government
operating.

He wants to refund as much
as the surplus as lawmakers feel
they can without jeopardizing
future government. There are a
lot new programs that need a
close look, he said.

"My goal is to look at all
these new proposals with a real,
real critical eye," he said.
Walt Williams is at
williams@dailychronicle.com

First day / from page A1

Stapleton saying GOP mem-
bers were angry and disap-
pointed by Kitzenberg's
actions.

"The reason why we are
speaking on this today is
because we don't want to speak
about that for the next 89
days," Stapleton said. "And you

assignment and unfairly favored
the GOP.

"You would have to have a
60-40 split in the House to jus-
tify this committee makeup,"
Rep. Bob Bergren, D-Havre,
said.

Lawmakers voted down the

Johnson gaveled the House into
session and urged the political
parties to get along.

"It is going to be a challeng-
ing session I suspect, there's not
much question about that ...
But (the voters) realize each of
us are Montanans and that is far

Senate President Mike
Cooney, D-Helena, said
Democrats are open to
Republican ideas, but would
not entertain proposals "that
would bankrupt future genera-
tions of Montanans." He and
other Democratic leaders cited

RONICLE, Saturday, January 6, 2007

■ Officers responded to 643 calls for service, including 181 traffic stops, 21 thefts, 32 traffic accidents and 20 noise disturbances.

■ Officers made 37 arrests.

The inmate population at the Gallatin County jail included the following:

■ The jail held 60 inmates.

■ An additional 23 inmates were being held at other jails at the cost of \$55 per inmate per day, plus transportation costs.

■ Four people were in the Sheriff's County Work Program.

■ The maximum operating capacity of the jail is 39 inmates.

Objections raised to sex offender plan

A plan to bar some sex offenders from living within 1,000 feet of schools, churches and other areas where children might play drew widespread opposition Friday at a legislative hearing.

Members of the American Civil Liberties Union, the Department of Corrections, the union that represents probation and parole officers, and the Montana Sex Offender Treatment Association told members of the Senate Judiciary Committee that the proposal would be ineffective at best and harmful and costly at worst.

"It doesn't increase public safety," said Scott Crichton, executive director of the ACLU of Montana. "It may even make the problem worse."

The new law would restrict sex offenders who are on parole, probation, or a deferred or suspended sentence and have a moderate to high risk of repeating their crimes from living within 1,000 feet of any school, church, park or daycare center.

It would affect about a 130 Montanans, according to the state Department of Corrections. The ACLU objected to residency restrictions for sex offenders on constitutional grounds and because it believes they do not serve as a deterrent.

BY GAIL SCHONTZLER
Chronicle Staff Writer

Montana Gov. Brian Schweitzer came to Bozeman Thursday to defend his proposed \$4 billion, two-year state budget and accused Republican critics of distorting the facts in a campaign of "truthiness."

Schweitzer, who met for more than two hours with five members of the Bozeman Daily Chronicle's editorial board, described his spending plan as responsible, fair and forward-looking.

The first-term Democrat said his plan would offer tax cuts to Montana homeowners and small businesses, freeze tuition for Montana college students, ease crowding in the prison system, solve a big chunk of the state pension deficit, and still save money for a rainy day.

Schweitzer rejected critics — including Gallatin Valley Republicans Scott Sales, House speaker, and John Simud, appropriations chairman — who contend his budget is "bloated" or "not sustainable."

"The criticism we see of this budget is truthiness," he said, using a satirical word coined by TV comedian Stephen Colbert. Colbert portrays a sanctimonious conservative who makes claims based on intuition, regardless of the facts.

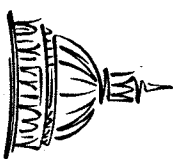
Sounding by turns conciliatory and combative, Schweitzer said he's "not going to be lectured" on fiscal responsibility by lawmakers from the 2001 or 2003 sessions, who lowered employee contributions to state pension funds, thus handing him a \$1 billion, 30-year deficit.

That's "the greatest mistake" the Legislature has made, he said, "other than energy deregulation."

Schweitzer said Republican leaders have expressed outrage that he's blowing a \$1 billion surplus. Actually, he said, his budget proposes only \$388 million in new ongoing spending.

The rest, some \$500 million, is made up of one-time spending, tax cuts, a budget cushion and savings for the day when the state economy isn't booming.

INSIDE



**Legislature
2007**

■ **Montana chief justice tells lawmakers they can undo court opinions**
page C5

■ **Upcoming legislative hearings calendar**
page C5

Check back on page C5 for updates on legislative calendar

**Bill requests
up from '05**

BY WALT WILLIAMS
Chronicle Staff Writer

HELENA — One proposed law would require paper towels in all public restrooms. Another would prohibit picketing at funerals. Yet another would require the state to take away license plates from repeat DUI offenders.

Nearly 2,300 bills have been requested for the 2007 Legislative session, which is 200 more than requested by this time in the 2005 session.

Pick a subject and there is a good chance there is a proposed law relating to it.

"I think last session had a record number of bill requests," said Gallatin County Commissioner Steve White, who maintains the Web site Badballs.com during his free time. "This session was well on its way to getting to that number" by the time it started.

(More on **Bills**, page A8)

Sens. Baucus, propose end to

WASHINGTON (AP) — senior leaders on tax policy would back legislation to reprieve minimum tax, a tax orig close loopholes for the wealthy increasingly hitting middle-class.

Sen. Max Baucus, D-Mont chairman of the Senate Finance and Sen. Charles Grassley, R-Iowa in the past Congress, discussed how they would make up for the AMT is taken off the books tax year.

The AMT was enacted in loopholes that enabled the wealthy to avoid paying taxes. The tax eliminates such as personal exemptions for children and itemized for state and local taxes.

The problem has been that for applying the tax are not in tion, and every year taxpayers est means have been affected.

PAGE D1, MONTANA, WASHINGTON, and Rhode Island, which spend \$1,000 or more per person.
(More on **Report**, page A8)

Join the club

Tester savors the moment of being sworn in as senator

WASHINGTON (AP) —

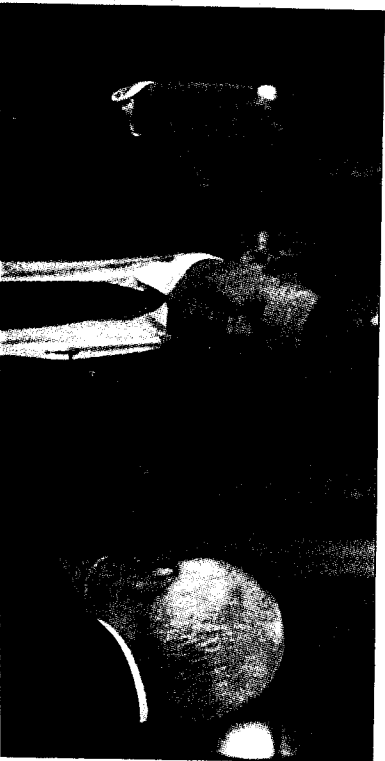
Montana Democrat Jon Tester officially became a senator Thursday, taking the oath of office with nine other senators on the U.S. Senate floor.

"For the moment, it's time to take a breath and think about what we've accomplished," Tester said just before the ceremony.

Tester, who narrowly defeated Republican Sen. Conrad Burns in

the gallery and pointed her out to some of his new colleagues. Sen. Max Baucus, D-Mont., and former Democratic Sen. John Melcher of Montana stood behind Tester as he was sworn in.

Before the ceremony, Tester participated in a rare closed-door conference of Democrats and Republicans. Senate Majority Leader Harry Reid, D-Nev., called the session in hopes of



VIDEOTAPING: Sen. Tester is sworn in as Montana's first Democratic senator in the U.S. Senate.

Budget/ from page A1

One on-going problem he wants to tackle is prison crowding, created in part by mandatory sentences. Schweitzer said he doesn't disagree with his good friend Sen. Gary Perry, R-Belgrade, who wants mandatory sentences for sexual predators of children. But the governor added that creates an obligation to spend more on prisons.

Schweitzer said his one-time property tax rebates of \$400 would be targeted at Montana resident homeowners. Republicans proposed a permanent 8 percent property tax cut, but the governor argued that would benefit out-of-state corporations and wealthy second-home owners, and could be changed by future legislatures.

One of his key ongoing proposals is \$50 million for the University System to cover rising costs, agreed to in a deal with the Board of Regents, who said they wouldn't raise tuition for Montana students for two years.

"This is the first time in 20 years we wouldn't raise tuition," the governor said.

During the election, Republicans proposed going farther and cutting tuition by 5 percent. Schweitzer argued that

would cost an additional \$20 million, and that half of Republican lawmakers have said in a poll they wouldn't support more money for higher education.

Schweitzer said his budget would mean about a 6 percent increase for public schools. The coalition of schools that sued the state successfully to force increased state support contends that's too little and has threatened to drag the state back to court.

Schools got a big increase in the 2005 Legislature and 2006 special session, the governor said. He has told the coalition, "I think Montanans are tired of government suing government."

The governor's budget also includes:

- Pay raises for state employees of 3 to 3.6 percent a year.

- \$28.5 million to renovate the Gaines Hall student chemistry labs at Montana State University, a top university priority for years.

Gaines Hall, and \$36 million for state building maintenance, would be paid for with "cash on the barrel head," he said, rather than bonded borrowing.

Asked about a comment by Sen. Corey Stapleton, R-Billings, Senate

minority leader, who said the governor had alienated the entire Republican Party, Schweitzer said he gets along well with lots of Republican lawmakers, who have shared meals, drinks and pool games with him.

That drives GOP leaders "crazy," who want to be the only ones who talk to the governor, he said.

In response to Sales' comment that the governor has yet to meet with him, Schweitzer said Sales has been invited to the governor's house five times, including last December, when many other Republicans attended.

Schweitzer said he urged Democrats this week not to join an effort by some moderate Republicans to vote against Sales as speaker.

"I don't see anything at this point to indicate Sales would not be a good consensus builder," Schweitzer said. Sales and other conservatives now in leadership, he said, "are not back-benchers anymore."

Asked if he'd run for re-election in 2008, Schweitzer said, "That's a 100 percent chance."

Gail Schontzler is at gails@dailychronicle.com

Bills/ from page A1

Lawmakers requested a total of 2,381 bills during the 2005 session. A little more than 1,400 of those requests became actual bills, and an even smaller number of those went on to become law.

So far only about 400 requested bills are in draft form for this year's session, but that number will grow in coming weeks. However, now that the session has started, lawmakers can only make two more bill requests on top of those they have already made.

State lawmakers have 90 working days to consider all the bills as well as craft a budget that keeps government running for the next two years. The result is long and often frenetic days.

Other than a few top priorities for both parties, there is little coordination among lawmakers when it comes making bill requests.

Many lawmakers make requests just to reserve spots for legislation that they're considering, but ultimately don't pursue.

There also is much overlap. For example, there have been 10 bill requests seeking to curb the use of eminent domain, many of them attempting to do the same thing.

Laws have been proposed in the past to curb the number of bill requests, but they've never been successful. Critics have argued it is a waste of time and money for an individual lawmaker to put in several bill requests given the staff resources needed to prepare them, particularly if many of them have little chance of actually passing into law.

Still, the time needed to prepare a request varies from bill to bill.

"There is no general time frame" for

drafting a bill, Greg Petesch, director of the legislative Legal Services Office, said. "Some bills are very easy, some bills are very hard."

There are online resources for people who want to track legislation as the session progresses.

White's site, www.badbills.com, follows "bad" legislation making its way through Helena. White generally uses conservative criteria when determining whether a bill is bad or not, but he also provides advice about lobbying lawmakers, traveling to Helena and links to government sites.

The Montana Legislature also maintains a Web site at <http://leg.mt.gov>, where Internet users can search for bills by subject and lawmaker.

Walt Williams is at wwilliams@dailychronicle.com

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Yet, reviewing other numbers, statistics reveal no increase in sexual abuse at all.

"To say for sure it's increased is difficult to say," child protective services supervisor Dorothy Filson said. "Quite frankly, it's been around a long time."

■■■

Gallatin County's Victim Services Office is seeing more cases involving sexually abused children than ever before, director Pam Brownell said.

In the past 10 years, the number of cases involving sex crimes against children in her office has more than doubled from 26 child victims in 1995 to 55 in 2006.

"Yeah, our numbers are up," Brownell said. "It's not stranger danger in child sexual assault cases. It's typically a person in authority or a person the child trusts."

More child sex cases are also being investigated and prosecuted by the county attorney's office, said Ashley Harrington, the deputy county attorney who prosecutes sex crimes.

The number of sex cases moving through the county attorney's office has gradually increased in the past eight years since Harrington began working there, she said. And more cases have involved children in the past three years.

"We all have a sense, and I certainly have a sense, that these crimes are occurring more frequently," Harrington said.

"They are on the rise, particularly the ones involving child victims. I'm definitely dealing with more."

Even Filson, admitting it's difficult to know for sure, agreed.

"I would say we've seen an increase over the years," she said.

■■■

As grim as that sounds, the number of sex offenses and rapes reported to law-enforcement agencies in Gallatin County did not increase from 1994 to 2004, according to Montana Board of Crime Control statistics.

In fact, more sex offenses were reported to law-enforcement agencies in Gallatin

County from 1995 through 1999 than from 2000 through 2004.

Going further back in the 1990s, there has been a declining number of sexual offenses reported statewide, according to a 1998 sexual and domestic violence study.

In that study, researchers learned that boys who were victims of sexual abuse were about 8 years old. Girls were about 14 years old. Incest offenders were older, roughly 40 years old, than other sex offenders. And 96 percent of sexual offenders were men.

Information for the sexual and domestic violence study was obtained from criminal history data, the Montana uniform crime reporting system, public surveys, victim's compensation data, the juvenile probation

information system and the victim assistance grant program.

■■■

Regardless of the statistics, Gallatin County officials are focused on helping sexually abused children and putting their perpetrators behind bars.

A countywide sexual assault response team consisting of mental-health experts, law-enforcement officials, attorneys, doctors and other people involved in sex crimes was formed in 2004.

The result is that the method authorities use to respond, investigate and prosecute child sexual abuse cases has improved.

More adults — including parents, teachers, coaches and clergy — also are more aware of what's happening to kids.

In addition, children are more educated about sexual abuse and more willing to come forward.

"We've progressed from the dirty little secret that everybody keeps in the family to it's not a secret," Brownell said. "We've done a good job on educating children on what's appropriate."

More agencies also have detectives, counselors and attorneys specializing in sex crimes.

But that won't stop the influx of sexual offenders.

"We still have a whole lot of work to do," Brownell said.

"Sexual abuse devastates families. It's horrible, horrible, horrible what it does to families."

Ted Sullivan is at

tsullivan@dailychronicle.com

Sexual abuse of children a growing problem

By TED SULLIVAN
Chronicle Staff Writer

Child sexual abuse — it shocks people, rips apart families, generates headlines and reveals dirty secrets.

Consider just a few recent cases.

A Belgrade man has been accused of using a video camera and a cell phone to film himself raping a 6-year-old girl.

A Bozeman man was sentenced to 10 years in the Montana State Prison for sexually assaulting two girls, ages 4 and 6.

And a Manhattan man faces charges of molesting a 10-year-old girl, having sex with her and touching her inappropriately.

Despite heart-wrenching stories of sexual abuse in the news recently, it's unclear whether crimes involving adult men molesting young girls are on the rise in Gallatin County.

Collecting data on sexual abuse of children is complex, involves many agencies and presents no hard facts.

Advocates and some statistical evidence show that sexual abuse of children has increased in recent years.

(More on **Abuse**, page A8)

Watch Your Language

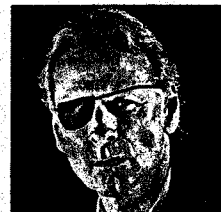
By
Andrew Vachss

YEARS AGO, I PARTICIPATED IN the rescue of a child from bondage. Destiny (not her real name) was 13. She had been repeatedly raped by a pair of predators to "educate" her. Then, along with several other young girls, she was forced to sell herself to strangers. Each day, she woke to the threat of disfiguring brutality if she failed to bring in sufficient money that night. Later, it was reported that "pimps" had been arrested, and "a number of child prostitutes were taken into custody."

What was wrong with calling Destiny a "child prostitute"? After all, she was a child, and she was engaged in prostitution. First, the word itself implies a judgment of character. Don't we call people who sell out their moral convictions in exchange for personal gain "whores"? More important, prostitution implies a *willing* exchange. Ultimately, the term "child prostitution" implies that little children are "seductive," that they "volunteer" to have sex with adults in exchange for cash (which, of course, the children never see).

The difference between calling Destiny a "child prostitute" and a "prostituted child" is not purely semantic. It is more than the difference between a hard truth and a pernicious lie. It not only injures the victims; it actively gives aid and comfort to the enemy. By allowing the term "child prostitution" to gain a foothold in our language, we lose ground that can never be recovered. Look at the following examples:

Why call the sexual assault of a child "fondling"? Why term incest a "nonviolent crime"?



Andrew Vachss

The softening of language—"forbidden love" for sexual exploitation of a student or "child prostitute" for a prostituted child—shapes our perception of hateful criminal acts.

School counselor put on probation for fondling teen

BY KATHY HARRIS, ST. LOUIS POST-DEMOCRAT
 BY JIM HARRIS, ST. LOUIS POST-DEMOCRAT



Court papers detail girl

Child prostitutes were abused by pimps,

Mayor accused of molestation

Student details affair with teacher

Child prostitute ring nets prison terms for 3 people

Staff Writer

Washington to the girl he prostituted.

Three, October

■ A judge spares a predatory pedophile a long prison sentence on the grounds that "it takes two to tango." Another grants work-release to a sex offender, declaring that the 5-year-old victim was "unusually promiscuous."

■ A teacher is arrested for sexual intercourse with a minor student in her class. The newspapers describe the conduct as "a forbidden love affair."

■ A young actor, in an interview given before his drug-overdose death, describes how he "lost his virginity" when he was 3 or 4 years old.

How have such grotesque distortions taken control of our language? To answer that question, we must first ask another: Who profits? Who benefits from pervasive cultural language that trivializes violence against children?

* Pedophiles are very familiar with the power of language. They would have us believe that child pornography is a free-speech issue. They know that if they succeed in placing "child prostitution" anywhere on the continuum of voluntary sexual activity, they will have established a beachhead from which to launch future assaults.

We must understand that such language is no accident—it is the deliberate product of cultural lobbyists. There is a carefully orchestrated campaign to warp public perception, a perception that affects everything from newspaper coverage to legislation and even jury verdicts.

If they can get us to accept that children consent to sex for money, it will be easier to sell the idea that they can consent to sex for "love." But an adult male who sexually abuses

continued

Your backyard




Watch Your Language | continued

* little boys is no more "homosexual" than one who victimizes little girls is "heterosexual." They are both predatory pedophiles. There is no such thing as a child prostitute; there are only prostituted children.

When we use terms such as "Jose's one's virginity" in referring to adult sex acts with children instead of calling it "rape," or when we say that the teachers "have affairs" with their pupils instead of saying that teachers sexually exploit them, the only beneficiaries are the predators who target children.

This is not about political correctness. It is about telling the truth. In any culture, language is the undercurrent that drives the river of public perception. That undercurrent has been polluted for too long.

* If we really want to protect our children, it's time to watch our language. 

PARADE Contributing Editor Andrew Vachss is an author and attorney whose only clients are children. His novel "Two Trains Running" will be published on June 14 by Pantheon. Visit www.vachss.com to learn more.

What Words Really Say

When it comes to child abuse, the language we use can distort the reality of the crime and create a roadblock to justice. The next time you hear a news report, keep in mind what the following terms actually mean...and the consequences of the conduct described.

* **Pedophile** An individual with intense, recurrent sexually arousing fantasies and urges toward pre-pubescent children. Those who decide to act on such feelings can be termed "predatory pedophiles." The predatory pedophile is as dangerous as cancer and as camouflaged in approach. His presence becomes known only by the horrendous damage left in his wake. Predatory pedophiles most often operate inside a child's "circle of trust." He (or she) may be a teacher, a doctor, a scout leader, a police officer, an athletic coach, a religious counselor or a child-care professional. They are protected not only by our ignorance of their presence but also by our unwillingness to confront the truth.

Fondling Nonpenetrative sexual misconduct with a child, often resulting in severe emotional damage to the victim.

* **Molestation** Sexual assault of a child, often resulting in both physical and emotional damage.

Nonviolent incest The rape by extortion of a child by a family member, creating a climate of oppression and fear in the child's daily life that inevitably results in profound long-term damage.

Intergenerational love The sexual exploitation of a child under the guise of a consensual relationship. This pedophiles' perversion of the word "love" is routinely promoted in all their literature as "harmless" or even "beneficial" to the victim.

Child prostitute A child, often held captive against his or her will, who is physically and/or emotionally coerced into performing sex acts with adults for the profit of others.

burned in 2000 when a teacher, Daniel Eveleth, was accused of having a sexual relationship with an 18-year-old student. It turns out that Eveleth had been at the center of sexual controversy before. A few years earlier, court records reveal, he had been accused of sexual harassment at another Iowa public school district known as BCLUW—a charge that investigators believed to be credible. Eveleth subsequently resigned. Yet, according to the Northwood-Kensett superintendent, before hiring Eveleth, he contacted the BCLUW school district and no red flags came up. Not only that, in exchange for his resignation, Eveleth got a positive letter of recommendation from BCLUW school officials and a promise that the district would keep mum about the accusations against him.

Appalling settlements like this aren't unusual. In many cases, the first priority of school districts is to avoid expensive battles with unions and the bad headlines that can come with legal action. So they'll let an accused teacher resign quietly, sometimes with a financial settlement. Since 2000, West Virginia schools, for example, have reportedly paid nearly \$7 million in settlements to suspected sexual predators.

In the 1990s, Hofstra University professor Charol Shakeshaft studied 225 complaints against teachers where there was convincing evidence sexual abuse had occurred. In more than half, school superintend-

ents allowed the accused teachers to resign or retire with no blemish on their records. And, Shakeshaft says, in none of those 225 cases did the superintendents notify the police, a legal mandate as of 2000.

YOU'D THINK politicians would be demanding tougher laws, but many shy away from measures like mandatory background checks, in part because they're afraid to cross powerful teachers unions.

At a minimum, schools must warn state officials when they have concerns about a teacher—and the police should always notify schools about any troubling past charges. States might also follow the lead of New York, where a superintendent can be charged with a felony for letting a teacher resign rather than face a sexual misconduct allegation.

Or Iowa, where after the Eveleth case, the state legislature passed a law saying that if an employee is terminated or resigns due to the sexual exploitation of a child, it must be reported to the Board of Educational Examiners. And, of course, any principal caught "passing the trash" should get the book thrown at him too.

It's easy to say we have zero tolerance for sexual predators in schools, but we haven't yet passed the test.

Outraged? Write to Michael Crowley at outrageous@rd.com.

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MICHAEL CROWLEY

Protect Our Kids!

How is it that sexual predators are getting a free pass in our children's schools?

WHEN Randall Crane came to teach at Jennings Middle School in Akron, Ohio, the superintendent felt lucky to get him. After all, the principal at Crane's previous school in Manchester had given him a glowing letter of recommendation, noting his "outgoing personality" and saying, "I wouldn't hesitate to hire him again."

Oh, really? That same principal helped oversee

an investigation into Crane's relationships with his female students, after accusations that included "too much touching of girls," "too much like boyfriend/girlfriend," and "taking girls into rooms with the door closed." Crane denied any wrongdoing, but agreed to resign.

No one at Jennings

knew about Crane's earlier conduct because, the Manchester superintendent told a local newspaper, "you don't want to pass problems on to other schools, but at the same time, you weigh that against what you can say that might cause litigation for your school too."

So Crane got his sterling recommendation and a new teaching job. Last June, he got something else: a two-year sentence for having sex

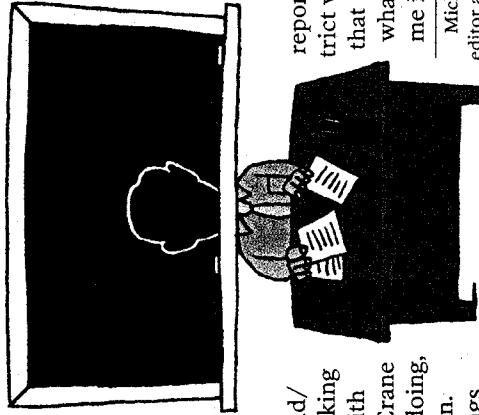
with a 14-year-old student.

After being shown papers detailing Crane's inappropriate behavior in Manchester, the

Akron superintendent said to a

reporter, "No other district would have hired that individual knowing what you just showed me in that file."

Michael Crowley is a senior editor at *The New Republic*.



PHOTOGRAPHED BY KAREN BALLARD/REDUX

ILLUSTRATED BY SCOTT MENCHIN

"It's called 'passing the trash,'" says Kansas State University professor Robert Shoop, an expert witness in nearly 50 school abuse cases. "I've worked with individuals who are in their fourth or fifth district, and you find out they've been molesting people for 20 years."

Some schools let accused teachers resign quietly, just to avoid bad headlines.

reason teachers lost their licenses over the past five years—a whopping 35 percent of all licenses lost. And a *Detroit News* study found that, in the 15 months from January 2004 to April 2005, 22 present or former school employees were convicted of sexual misconduct involving minors or the mentally impaired. The vast majority were teachers, although a coach and a janitor were also among those convicted.

Perhaps the creepiest thing is all the sexual predators we don't even know about.

When *The New York Times* recently investigated pedophiles, it found that "the most frequent job mentioned was schoolteacher." How many parents shuddered when it turned out that a slime ball named John Mark Karr—the man who claimed to have murdered Jon Benet Ramsey—taught elementary school?

We obviously don't have enough safeguards in place to keep perverts out of the schools. And the biggest problem is a background-check system that looks like Swiss cheese.

Most states require a criminal background check for school employees, but some schools only check state databases, not national ones like the FBI's National Crime Information Center. Schools also need to be candid about former teachers when another school inquires about an applicant.

That's how an Iowa school in the Northwood-Kensett district got

This shuffling of sleazy characters from school district to school district is just one way we're failing to fully protect our children. It's no small concern: In 2004, a U.S. Department of Education study found that nearly 10 percent of public school students have endured unwanted sexual attention from school employees, and close to 7 percent had experienced actual sexual contact—anything from pinching to kissing to outright molestation.

Let's make one thing clear: Most teachers are honest, hardworking, and truly care for their students. And it's important to protect teachers from false allegations, especially when harassment and abuse charges are used as punishment for bad grades or strict discipline.

Still, there's no denying that the threat from molesters exists in every state. In West Virginia, for example, sexual abuse of students is the No. 1

Trial starting in slaying of coed that changed sex laws in two states

FARGO, N.D. (AP) — The abduction of 22-year-old Dru Sjodin from a shopping center parking lot and the discovery of her body five months later, after an emotional search, has led to major revisions of sex offender laws in two states and to North Dakota's first federal death penalty case.

Alfonso Rodriguez Jr., a 53-year-old convicted sex offender, is to go on trial Thursday in federal court in Bismarck. He has pleaded not guilty to a charge of kidnapping resulting in the death of the University of North Dakota student more than two years ago.

Federal prosecutors have said they will seek the death penalty if he is convicted.

"This will be a national trial," said Joseph Daly, a criminal law professor at Hamline University in St. Paul, Minn. "A federal death penalty case is quite unusual, especially when you're talking about a state that doesn't have the death penalty."

The federal indictment says Sjodin was killed "in an especially heinous, cruel and depraved manner, in that it involved torture and serious physical abuse."

North Dakota's last execution was in 1905. The state's death penalty law was abolished in 1975.

Sjodin, of Pequot Lakes, Minn., disappeared Nov. 22, 2003, from a Grand Forks mall where she had gone shopping after getting off work at a Victoria's Secret store. Moments before, she had talked with her boyfriend by cell phone.

Hundreds of people, many of them college students, volunteered to search for her. The governors of North Dakota and Minnesota sent the National Guard to help.

Rodriguez was arrested within two weeks of Sjodin's disappearance when police investigated a tip that he was in Grand Forks on the day she disappeared. His bail was set at \$5 million, although Rodriguez asked to remain in custody for his own safety.

Sjodin's body was found the following April, after deep snow melted, in a ravine near Crookston, Minn., where Rodriguez lived with his mother. That's about 25 miles from Grand Forks.

Over the next two years, lawmakers in North Dakota and Minnesota approved tougher sentences for sex offenders, including life without parole for the most serious of-

fenses and stricter supervision of offenders after they leave prison.

Members of Sjodin's family spoke around the country in favor of a proposed national sex offender registration, known as "Dru's Law."

"Every time there is a case like this, it shines the light on some aspect of the system that wasn't tight enough," said Richard Frase, a criminal law professor at the University of Minnesota.

U.S. District Judge Ralph Erickson took precautions to ensure a fair trial, moving it from Grand Forks to Fargo, assembling a jury pool more than 12 times the normal size, and increasing the number of juror disqualifications allowed for the defense.

The judge also issued a gag order preventing lawyers and others working on the case from talking to reporters, but later allowed them to talk more openly about information in the public record.

Defense lawyer Robert Hoy, a court-appointed attorney from West Fargo, would not comment on possible defense strategies.

Members of Sjodin's family have politely refused to comment since Erickson issued the gag order.

"For us to go through this is absolutely nothing compared to what Dru went through," her mother, Linda Walker, said in December.

Frase said he does not expect the trial to capture as much interest as the search for Sjodin.

"The sensational thing about it right away was that it was so centered around the victim and the sense of surprise and threat that people feel, especially people not normally considered to be at risk," Frase said.

However, Sjodin's fellow students at UND will likely follow the trial closely, said Jordan Schuetzle, who was the student body president when she disappeared.

"I think it was such a substantial incident in the history of our campus, it still seems like it was a few months ago," said Schuetzle, now a UND law student. "People are still thinking about it; people are still talking about it."

"The one amazing thing about it is that it really united our campus," he said. "We were all out there looking; we were all out there supporting each other. This one thing brought almost 13,000 students together."

Man faces charges of sex abuse

By TED SULLIVAN
Chronicle Staff Writer

A Bozeman man was arrested Thursday on four charges related to sexually abusing two young boys.

Charles Lewis Milliron, 37, faces two charges of sexual intercourse without consent and other sex charges. He was arrested on a bench warrant and held in Gallatin County's jail on \$50,000 bail.

Police say Bozeman resident molested two boys

On June 23, a Montana Department of Public Health and Human Services employee called a Bozeman police detective about a 6-year-old boy who was allegedly being sexually assaulted.

The boy had told a friend that Milliron had sex with him and another boy, according to police. When asked by an adult whether it was true, the boy began to cry. He confirmed that Milliron had molested him.

On July 12, a detective interviewed each boy. Both of them denied having been sexually abused.

On the same day, a detective interviewed Milliron, who allegedly admitted he had sexually assaulted the boys.

After Milliron confessed, the detective interviewed one of the boys a second time, and this time the boy said he had been assaulted, "that it hurt and he cried and screamed," according to court records.

If convicted, Milliron faces up to four consecutive life sentences and up to \$200,000 in fines.

He is expected to enter a plea in District Court at a later date.

Ted Sullivan is at tsullivan@dailychronicle.com

Sexual assault, rape charges dropped against ex-dairy worker

By TED SULLIVAN
Chronicle Staff Writer

Rape and sexual-assault charges filed against a Manhattan man accused of molesting a young girl have been dropped.

Hermينو Castellanos, 37, also known as Abelardo Soto Rodriguez, was arrested and charged in March on accusations he had sex with a girl and touched her inappropriately.

The girl told Gallatin County sheriff's detectives that Castellanos, a Spanish-speaking immigrant from Mexico who had been employed at a Manhattan dairy, began molesting her more than a year ago.

Prosecutors dismissed the charges because they didn't want to subject "the 11-year-old victim to the trauma of trial in a case where a conviction is unlikely," according to court records.

Part of the problem was that the girl and her father had moved to California. The girl also was not examined by a doctor for injuries until two months after the alleged rape.

After the girl was found in California, she was placed in foster care. She disclosed to officials there that at least two other people had sexually assaulted her.

One of the assaults occurred around the same time the girl accused Castellanos of molesting her.

Prosecutors have not been able to get information on the girl's two other claims of sexual assaults from California officials.

Therefore, the charges against Castellanos were dropped "in light of the inconclusive nature of the medical exam ... and the existence of at least one alternate suspect."

Despite the charges being dismissed, Castellanos is still being held in Gallatin County's jail by U.S. Immigration and Customs Enforcement.

He could be deported to Mexico.

A2 BOZEMAN DAILY CHRONICLE, Thursday, August 31, 2006

NATION

Sex offender guilty of killing N.D. student

Fargo jury will consider death penalty Tuesday

FARGO, N.D. (AP) — A convicted sex offender on trial in North Dakota's first death penalty case in more than a century was found guilty Wednesday of kidnapping and killing a college student who was seized from a shopping mall parking lot.

The jury will return next week to begin hearing evidence on whether Alfonso Rodriguez Jr., 53, should be executed for the slaying of 22-year-old Dru Sjodin.

North Dakota does not have capital punishment. But the case was heard in federal court, where the jury took less than four hours to reach a verdict.

Sjodin, a University of North Dakota student from Pequot Lakes, Minn., was abducted outside a Grand Forks mall in 2003. Hundreds of volunteers searched for her, but her body was not found until the following spring, in a ravine near Crookston, Minn. Rodriguez lived in Crookston at the time.

Prosecutors said Sjodin (pronounced shuh-DEEN) was

stabbed, raped and left to die. Rodriguez was charged under federal law because Sjodin was taken across state lines.

Minnesota Gov. Tim Pawlenty said in a statement: "If ever there was a case for which the death penalty should apply, this is it."

Before Sjodin's slaying, Rodriguez had served more than 20 years for offenses that included rape and attempted kidnapping. He got out of prison about six months before the killing.

Rodriguez stared straight ahead as the verdict was read. His mother wiped her face with

a tissue. Sjodin's parents showed no reaction, but family members hugged later outside the courtroom.

"It's another step in closing the case," said Erin Hakstol, Sjodin's sorority adviser. "It doesn't bring Dru back, unfortunately."

In closing arguments, U.S. Attorney Drew Wrigley said Sjodin fought for her life "every step of the way" and "left us unmistakable messages," including her blood in Rodriguez's car, discovered in a mist pattern that indicated she was beaten.

7/2006

Save

GALLATIN COUNTY'S MOST WANTED

Gallatin County's 10 most wanted fugitives are accused of crimes ranging from rape and assault with a weapon to drug dealing and theft.

They use aliases and carry fake IDs.

They change their hair color and style.

They hide from the cops, move often and live in the shadows.

"Some of them are violent offenders, but not all of them," Gallatin County Sheriff's Lt. Jeff Wade said.

A few of them were arrested, released from jail and never heard from again.

Others had charges filed against them, but could never be found.

But police suspect they may not be all that far away.

"I'd say most of them are probably still in the county," Gallatin County Sheriff Jim Cashell said.

Of the 1,530 people wanted on felony warrants in Gallatin County, law enforcement agencies identified 10 they most want to arrest. The following is a list of those most-wanted fugitives and the accusations against them:

Wanted: Lindsey C. Badolato;
fraudulently obtaining dangerous drugs

Badolato, 28, has been accused of 34 counts of using phony prescriptions to obtain painkillers from local pharmacies, according to court records.

In 2005 and 2006, Badolato allegedly forged doctor's prescriptions to get drugs from numerous pharmacies. Prosecutors have also accused her of selling the prescription drugs.

Defense attorneys have argued that she has a serious addiction.

She is white and has blonde hair and hazel eyes. She's 5-foot-1 and weighs 120 pounds. She goes by the aliases Lindsey Badolato, Lindsey Botolato and Lindsey Lighthall.

Law enforcement officials have arrested Badolato, who was later released. But she stopped following court orders and can't be found. She is no longer at her last known address. She also has changed her phone number.

A warrant for her arrest was issued in March 2006.

Wanted: Denise Burland; forgery

Burland, 34, is accused of stealing paychecks from mailboxes in December 2005 and cashing them, according to court records.

She was allegedly able to alter the checks, which were valued at nearly \$3,000, and cash them.

Burland is white, 5-foot-4, has blonde hair and weighs 120 pounds. She also goes by the names Denise Isakson, Denise Cain and Denise Shawnell.

(More on **Wanted**, page A10)

WANTED

**LINDSEY C.
BADOLATO**



**FRAUDULENTLY
OBTAINING
DANGEROUS
DRUGS**

WANTED

**DENISE
BURLAND**



FORGERY

WANTED

**FRANKLIN
TOWNSEND SR.**



**FAILURE TO
REGISTER AS A
SEX OFFENDER**

WANTED

**JOHN B.
CHAMPAGNE**



FELONY DUI

WANTED

**ADAM G.
GONZALEZ**



**POSSESSION OF
DANGEROUS
DRUGS WITH
INTENT TO SELL**

WANTED

JOHN B. LACEY



**SEXUAL
INTERCOURSE
WITHOUT
CONSENT**

WANTED

**ROBERT A.
VANCOPPENOLLE**



**SALE OF
DANGEROUS
DRUGS**

WANTED

**STRIDER L.
MOORE**



**FRAUDULENTLY
OBTAINING
DANGEROUS
DRUGS**

WANTED

**GORDON D.
COLE**



**FORGERY AND
DECEPTIVE
PRACTICES**

WANTED

**MATTHEW
McMORRIS**



**ASSAULT
WITH A
WEAPON**

Weather (W): s-sunny, pc-partly cloudy, c-cloudy, sh-showers, t-thunderstorms, r-rain, sf-snow flurries, sn-snow, i-ice, Prc-Precipitation, T-trace.

1 1 1 0 0
0-2, low; 3-5, moderate; 6-7, high
8-10, very high; 11+ extreme

* * Flurries
* * Snow
v v Ice

shown are noon positions of weather systems and precipitation. Temperature bands are highs for the day. Forecast high/low temperatures are for selected cities.

Cold
Warm
Stationary

-10s -0s 0s 10s 20s 30s 40s 50s 60s 70s 80s 90s 100s 110s

Wanted from page A1

A warrant for her arrest was filed in July 2006. Attempts to find her have been made, although her whereabouts are unknown. If arrested, she will be held in jail on \$20,000 bail.

Wanted: Franklin Townsend
Sr.; failure to register as a sex offender

Townsend, 45, was convicted of felony sodomy of a child in 1989 when he lived in California, according to court records.

He moved to Belgrade in 2001. Under the law, he was supposed to notify local authorities of his address and check in with probation and parole officers.

But his address has not been known since 2005.

Townsend is Native American, 5-foot-10 and weighs 190 pounds. He has black hair and brown eyes. He also uses the names Robert Thomas Drake and Frederick Lawrence Townsend.

Investigators issued a warrant for his arrest in September 2005. If found, he will be held on \$50,000 bail.

Wanted: John B. Champagne; felony DUI

Champagne, 43, was arrested and charged with drunken driving for the ninth time in May 2005, according to court records.

He was allegedly driving in downtown Bozeman, flashing his lights on and off when a police officer stopped him. Champagne had red eyes and his speech was slurred. He failed field-sobriety tests and was taken to jail.

After being released, he was caught drinking, but stopped reporting to local pretrial officers. He never had his trial and can't be found.

Champagne is Native American, 5-foot-6 and weighs 185 pounds. He has brown hair and brown eyes. He uses the phony names John Baker, Jack

To view the 10 most-wanted list: Go to the county's Web site at www.gallatin.mt.gov, click on "departments," then click on "sheriff's office." On the sheriff's office page, click on "most wanted."

To submit a tip: If you wish to remain anonymous and possibly receive a reward, call Bozeman Crime Stoppers at 586-1131. If you know the whereabouts of anyone on this list, call 911 or the sheriff's office at 582-2100.

Champagne Todd Dennis and Karl Dennis.

A warrant for his arrest was issued in November 2005. If picked up, he will be held on \$100,000 bail.

Wanted: Adam S. Gonzalez; possession of dangerous drugs with intent to sell

Gonzalez, 25, passed out in his car at the Buffalo Station in December 2004 with two bags of methamphetamine in his lap, according to court records.

When deputies awakened him, he allegedly handed one of them \$965 in cash. Marijuana was also found in the vehicle. Gonzalez was arrested and taken to jail.

He was later released on the condition he report to authorities pending his trial. But he didn't check in, moved away from his last-known address and has been missing since February 2005. If arrested, he will be held on \$100,000 bail.

He is Hispanic, 5-foot-8, 160 pounds and has black hair and brown eyes.

Wanted: John B. Lacey; sexual intercourse without consent

Lacey, 64, is accused of raping a minor in the spring of 1996 and summer of 1997, according to court records.

He is also accused of providing young boys with drugs, alcohol and a place to party, according to court records. He would often make sexual advances toward the boys.

Charges were filed against Lacey in 1999, although he was never arrested. Authorities have not been able to find him for seven years.

Lacey is white, 5-foot-10 and weighs 175 pounds. He has blue eyes and gray hair. He has no known aliases.

If he is arrested, he will be held in jail on \$75,000 bail.

Wanted: Robert A. Vancoppenolle; sale of dangerous drugs

Vancoppenolle, 52, was sentenced to five years probation for selling meth to an informant in 2002, according to court records.

While on probation, he tested positive for using meth and his probation was revoked. He then faced five years in the Montana State Prison.

But law enforcement hasn't been able to find him since he failed his drug test.

He is white, 5-foot-6 and weighs 165 pounds.

Wanted: Strider L. Moore; fraudulently obtaining dangerous drugs and sale of dangerous drugs

Moore, 27, is accused of selling marijuana to an informant several times, beginning in May 2004, according to court records.

Three counts of drug-dealing charges were filed against Moore in October 2004 and a warrant for his arrest was issued, although investigators

have been unable to find him.

Moore is white, 6-foot-3, weighs 185 pounds and has brown hair and hazel eyes. He also goes by the names Mac Moore, Striden Moore and Leon Phillips.

If caught, he will be held on \$5,000 bail.

Wanted: Gordon D. Cole; forgery and deceptive practices

Cole, 23, is accused of forging checks and using other people's credit cards to make purchases in 2005, according to court records.

To assume other people's identities, Cole is accused of stealing mail and burglarizing homes to obtain personal information, according to court records. He would then use the information to take their money or open credit accounts in their name.

At one point, Cole was arrested and released on bail. However, his trial date had to be postponed after he disappeared, according to court records.

He is white, 5-foot-10 and weighs 185 pounds. He has brown hair and hazel eyes.

A warrant for his arrest was filed in December 2006. If found, he will be held on \$100,000 bail.

Wanted: Matthew McMorris; assault with a weapon

McMorris, 40, is accused of hitting a man with a rolling pin earlier this month on Pondera Avenue in Bozeman.

He later chased the man and a woman with an axe, according to court records.

A charge of assault with a weapon was filed against him on Jan. 2, but McMorris has not been arrested and can't be found.

He is 5-foot-10 and weighs 165 pounds. He has brown hair and green eyes.

Ted Sullivan is at tsullivan@dailychronicle.com

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Man sentenced to 10 years for kidnapping, sex assault

BILLINGS (AP) — A man convicted of grabbing an 18-year-old woman off a Billings street, driving to a secluded spot and sexually assaulting her, was sentenced Monday to 10 years in prison with no chance for parole.

Dale H. Dunning, 66, declared his innocence and said, "I am the victim."

District Judge Susan Watters rejected a request from Dunning's court-appointed attorney for a suspended sentence that would have resulted in Dunning's immediate release from jail.

Public Defender Carl DeBelly argued that Dunning should be given 10 years in prison with nine suspended and credit for the time served in the county jail since his arrest in October 2005. He said Dunning had one previous felony conviction.

Deputy Yellowstone County Attorney Anne-Marie McKittrick argued that Dunning is a dangerous and untreated sex offender with a long history of blaming his victims. Dunning has 19 prior misdemeanor convictions, 16 of which are sex offenses, McKittrick said. His felony

conviction was in 1992 for privacy in communication, she said.

McKittrick said a psychiatric evaluation warned that Dunning's criminal sexual behavior had escalated, and the evaluator said Dunning has a high risk of committing similar crimes in the future.

Dunning has previously been designated a Level III sex offender — the greatest risk to commit future crimes — and failed to complete sex offender treatment after the 1992 conviction.

Dunning was convicted of kidnapping and sexual assault after a two-day trial in April.

The woman testified the sexual assault ended when another vehicle drove into the area where Dunning was assaulting her and Dunning drove away. The woman said she jumped from the moving truck and ran to a bar for help.

Dunning was arrested minutes later. He has been jailed on \$30,000 bail since then.

Watters said she found Dunning posed a danger and had shown no empathy or remorse for any of his victims. "You will serve out your sentence at the prison," she said.

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Jury selection to begin in Duncan murder trial

COEUR D'ALENE, Idaho (AP) — Police believe it was the children's swimsuits that first caught the eye of pedophile Joseph Edward Duncan III, triggering a spree of savage murder, kidnapping and child rape.

The registered sex offender was on the run from a child molestation charge in Minnesota when his vehicle rounded a corner on Interstate 90 and drove past the rural home where Shasta Groene, 8, and her brother Dylan, 9, were frolicking in their bathing suits in mid-May 2005.

Charged with killing three people so he could kidnap the children for sex, Duncan's trial begins on Monday in 1st District Court in this northern Idaho city. He faces the death penalty for actions that rival anything in a Hollywood thriller.

Court records say Duncan pulled off the road and stalked the family for several days to learn their habits. Then he donned night-vision goggles and took a rifle into the home early the morning of May 16.

He got the drop on the sleeping adults, and bound Brenda Groene, her 13-year-old son Slade and her boyfriend, Mark McKenzie, with zip ties, according to court records. Then he beat them to death with a claw hammer and ab-

ducted the two younger children.

Court records say Duncan, 43, molested the children for seven weeks at a primitive campsite near St. Regis, Mont., possibly capturing some of his actions on the digital video and still cameras the computer expert carried. At some point Dylan was killed.



Duncan

Then Duncan drove with Shasta back to Coeur d'Alene, stopping at a Denny's along I-90 around 2 a.m. the morning of July 2, 2005. Staff and customers recognized the girl from the many photos plastered throughout the region and called police.

Duncan told arresting officers he was returning the girl to her father. Sentiments run strong in this conservative region against Duncan, a Tacoma native who spent most of his adult life in prison for molesting children. Bumper stickers saying "Kill Duncan" abound. Kootenai County prosecutor Bill Douglas rejected offers that Duncan will confess to the crimes he is charged with — plus other crimes for which he is not yet charged — in exchange for

avoiding the death penalty. A pool of some 800 local residents has been called in an effort to find a jury that can give him a fair trial.

"Duncan has been prejudged and sentenced to death," public defender John Adams complained in unsuccessfully arguing that a jury should be brought in from elsewhere. Prosecutors said finding people who had not heard of the case would be impossible.

Even though Duncan is pleading innocent, last week his lawyers released an extraordinary letter to the prosecutor in which Duncan offered to cooperate fully with law enforcement officers in order to spare Shasta Groene the trauma of testifying against him in court.

"We are reaching out to the victims," federal public defender Roger Peven said. "This is not a trick."

Defendants facing the death penalty cannot simply plead guilty, because a capital case must be litigated, Peven said.

Duncan made the offer even though what he says will almost certainly be used against him when federal prosecutors file charges likely to include kidnapping the children and killing Dylan Groene after the state case concludes. Federal prosecutors have already said they will seek the death penalty.

scar

Duncan reportedly confessed to killing three other children

BOISE, Idaho (AP) — Federal prosecutors said Tuesday that convicted killer and child molester Joseph Edward Duncan III has confessed to killing two children in Washington state in 1996 and a California youngster in 1997.

Prosecutors filed a formal notice of intent to seek the death penalty against Duncan in a separate case in which he's accused of kidnapping two northern Idaho children and killing one of them.

They say Duncan should be put to death because he killed Dylan Groene, 9, in front of his sister, then-8-year-old Shasta Groene, after kidnapping them from their home near Coeur d'Alene, Idaho; because he's acknowledged killing three children in 1996 and 1997; and because he'd be a serious threat to others, if he's allowed to live.

"The defendant has engaged in a continuing pattern of violence, attempted violence, and threatened violence," Assistant U.S. Attorney Wendy Olson wrote. Duncan "is likely to commit criminal acts of violence in the future that would constitute a continuing and serious threat to the lives and safety of others."

Roger Peven, Duncan's attorney, said he had not yet seen the filing and could not immediately comment on it. Peven had met with Duncan early Tuesday, but declined to comment on the meeting. Duncan is being held in a state prison near Boise.

The U.S. attorney's office said

Duncan confessed to killing Carmen Cubias, 9, and Sammiejo White, 11, in Washington state in 1996 and Anthony Martinez, 10, in California in 1997.

The two girls were kidnapped from the Crest Motel in Seattle in July 1996. Their skeletal remains were found 17 months later in Bothell, a Seattle suburb.

Martinez was forced into a white car in Beaumont, Calif., in April 1997 as his friends watched. Sixteen days later a forest ranger found the boy's nude, bound body about 70 miles to the east.

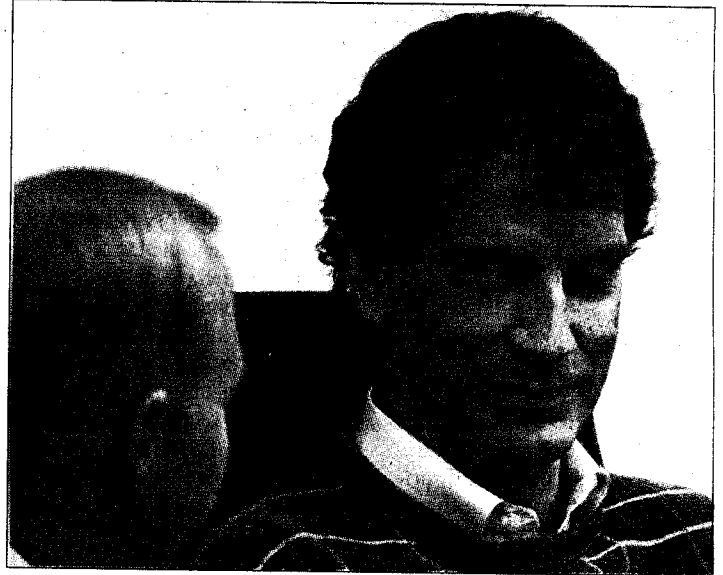
Duncan was charged Thursday in a California state court in Martinez death. Prosecutors there said they also intend to seek the death penalty.

Duncan is a Tacoma, Wash., native who spent most of his adult life in Washington state prisons for sexual crimes against children.

A federal grand jury returned an indictment against Duncan last Thursday, charging him with 10 felonies, including kidnapping, kidnapping resulting in death, sexual abuse and firearms charges.

In those counts, Duncan is accused of kidnapping Dylan and Shasta Groene during a nighttime attack on their family's home in May 2005 for the purpose of sexually abusing them.

The children's mother, Brenda Groene, her fiance, Mark McKenzie, and the younger children's 13-year-old



AP

Joseph Edward Duncan III, right, is shown during a hearing at the Kootenai County Sheriff's Department Justice building in Coeur d'Alene, Idaho, in this Oct. 16, 2006 file photo. Duncan, accused of kidnapping and molesting two Idaho children after killing their family, has confessed to the slayings of three other children in Washington state and California, federal prosecutors said Tuesday.

brother, Slade Groene, were bludgeoned to death with a hammer during the attack, crimes for which Duncan is already serving life in prison.

On July 3, 2004, Duncan was arrested for allegedly molesting a 6-year-old boy and attempting to molest another boy at a school playground in Detroit Lakes, Minn. Authorities say that on April 15, 2005, he rented a Jeep in St. Paul, Minn., and jumped bail.

Prosecutors say that while driving past the Groene home on U.S. Interstate 90 east of Coeur d'Alene, Duncan spotted Shasta and Dylan playing outside and began plotting the attack on the family.

The U.S. attorney's office alleges Duncan then took Dylan and Shasta into the Lolo National Forest near St. Regis, Mont., where he held them and

tortured them for nearly seven weeks before shooting Dylan.

Duncan was arrested July 2, 2005, with Shasta at a Coeur d'Alene restaurant.

While holding the children captive, Duncan produced sex* and torture videos, "knowing that such visual depictions would be transported in interstate and foreign commerce," prosecutors said.

Kidnapped girl back in school, accused abductor awaits trial

COEUR D'ALENE, Idaho (AP) — It was a year ago that a small girl with brown hair and a dimpled smile walked into a Denny's restaurant at 2 a.m. in the company of a tall, thin man who might have been her father.

But Joseph Edward Duncan III wasn't Shasta Groene's father. He was a Level III sex offender with a long record of violent assaults on children.

Alert people in the restaurant recognized the 8-year-old girl, whose pictures had been splashed throughout the region since she was abducted from a home where three people were killed seven weeks before.

Several called 911, and waitress Amber Deahn stalled the two to give police time to respond. After what seemed an agonizing wait, three officers entered the restaurant, arrested Duncan, and brightened the region's spirits with the miraculous rescue.

The good news didn't last long. Soon it came out that Shasta's 9-year-old brother, Dylan, who was also abducted, had been murdered.

People were outraged to learn of Duncan's record, and that he was free on low bail from a child molestation charge in Minnesota when the Groene children were abducted.

Found in Duncan's vehicle was digital video and computer equipment that Kootenai

County prosecutor Bill Douglas said contain "vile" images of what happened to the children at a primitive campsite in Montana.

Duncan was also identified as the main suspect in the slayings of two children in Washington and one in California.

Prosecutors in Kootenai County are preparing for a capital trial scheduled to begin in October, even as Duncan's lawyers argued for a plea bargain on the grounds it would spare Shasta years of testimony in court.

Shasta's father, Steve Groene, did not return several telephone calls left on his cell phone or e-mail from The Associated Press. He did grant a recent interview to TV reporter Geraldo Rivera, and allowed Shasta to speak with him.

Shasta told Rivera that she was back in school and wanted to grow up to be an actress. She said she loved horses, the violin and the flute.

Members of the girl's extended family took the anniversary of her rescue as a chance to remember the four members of the family who died.

"Thank God we have Shasta as a constant reminder of how great those we lost were and still are in our hearts, forevermore," they said in a written statement. "To lose this many people you love, and to murder, it is truly a living hell."

Duncan, 43, a computer expert and prolific blogger, is charged with crimes that rival

Members of the girl's extended family took the anniversary of her rescue as a chance to remember the four members of the family who died.

anything in a Hollywood thriller. Crime experts were stumped to find a case in which a child molester entered a home, killed the adults and kidnapped children for sex.

On the night of May 16, 2005, someone broke into the home shared by 40-year-old Brenda Groene, her 37-year-old boyfriend Mark McKenzie and three of Brenda's children — Slade, Dylan and Shasta — as the family slept.

Brenda, Mark and 13-year-old Slade were bound and beaten to death with a hammer, blood and gore splattering the modest home. Dylan, 9, and Shasta, who is now 9, were abducted.

A massive manhunt, aided by the FBI, produced almost nothing. Attention focused on Steve Groene, father of the children, and on friends of the victims who were involved in drugs.

The search seemed to be stalled when Duncan and Shasta walked into the Denny's restaurant.

Duncan is charged with three counts of murder for the slayings of Brenda and Slade Groene

and McKenzie, and faces the death penalty. After the state case, the federal government plans to charge him with kidnapping the two smaller children and killing Dylan, crimes that could also carry the death penalty.

Duncan, a Tacoma native who most recently lived in Fargo, N.D., had spent most of his adult life in Washington prisons for sex crimes against children.

In 1980, at the age of 17, he received a 20-year prison sentence for raping and torturing a 14-year-old boy at gunpoint. After his arrest for that crime, he told authorities that he had raped 13 boys by the time he was 16.

Authorities now believe that while free on parole in 1997, Duncan kidnapped, raped and murdered a 10-year-old boy in Southern California and two girls in Seattle.

On his blog, Duncan railed against police monitoring of sex offenders, and posted bizarre writings and videos of himself. The blog showed he was struggling with his sanity.

"It is a battle between me and

my demons," Duncan wrote on April 24, 2005. "I'm afraid, very afraid. If they win then a lot of people will be badly hurt."

Three weeks later, just days before the murders and kidnappings, he wrote: "My intent is to harm society as much as I can, then die."

Court records indicate that Duncan was driving past the family home along Interstate 90 when he saw Shasta and Dylan Groene playing in the front yard in their swimsuits. He allegedly stalked the family for several days, using night vision goggles to plan his assault, court records said.

The case has sparked a death penalty debate.

Steve Groene has called on prosecutors to reach a plea bargain with Duncan so his daughter does not have to testify against him.

Douglas has said he shares Steve Groene's concerns, but believes that Duncan deserves death and that Shasta is strong enough to testify.

The case has reinvigorated a campaign in Washington to throw some sex offenders into prison for life on a first conviction. Tracy Oetting, who twice failed to get enough petition signatures to put the measure on the ballot, decided to make a

third attempt after the Groene case.

"People like Joseph Duncan can not ever be let out of prison," she said.

She has until July 7 to gather about 225,000 signatures to get the measure, called Dylan's Law, onto the ballot.

Legislatures in Idaho and Washington have already enacted tougher laws against child molesters.

Meanwhile, people around the country have sent donations for Shasta. They have raised money for a sports wall at the elementary school the children attended. They raised money for a stone memorial to Dylan Groene to be placed at the Montana campsite.

Duncan's trial is set to begin in October, and the state case appears to be strong, with a large amount of forensic evidence and the eyewitness testimony of Shasta.

One person who has no doubt about Duncan's guilt is Amber Deahn, the waitress and mother of two whose cool work at Denny's kept Duncan in the restaurant long enough for police to arrive.

"I was given an opportunity to catch the devil red-handed," Deahn has said. "I couldn't be prouder of what I have done."

Save

Ex-con guilty in girl's kidnap, rape, murder

* MIAMI (AP) — A sex offender was found guilty Wednesday of kidnapping and raping a 9-year-old girl and burying her alive in a case that led to a crackdown around the country on people convicted of sex crimes.

Jurors deliberated about four hours before returning the verdict against John Evander Couey in the slaying of Jessica Lunsford, who was snatched from her bedroom in February 2005 about 150 yards from the trailer where Couey had been living.

Her body was found in a shallow hole, encased in two black

Jessica Lunsford case in Florida led to nationwide crackdown on sex offenders

plastic trash bags. She had suffocated and was found clutching a purple stuffed dolphin.

The jury next must decide whether Couey, 48, should get death by injection or life in prison.

Couey stood staring straight ahead and swaying slightly as the verdicts were read. Jessica's father, Mark Lunsford, who has helped push efforts for tougher monitoring of sex offenders, showed no emotion.

Outside the courtroom,

Mark Lunsford said that he believed all along "that justice would prevail" in his daughter's murder but that the case wasn't complete until a sentence is imposed.

"This is only the first part. We've still got the second part," he said.

Circuit Judge Richard Howard will ultimately decide whether Couey should be sentenced to death. He is not required to follow the jury's recommendation, but judges give the recommenda-

tion great legal weight.

Couey admitted to investigators shortly after his arrest that he committed the crime, but the confession was thrown out because he did not have a lawyer present as he had requested.

"I felt confident that we had an overwhelming amount of facts we could present to the jury," said Brad King, chief prosecutor in the case, outside the courthouse after the verdict.

The evidence at trial included DNA from Jessica's blood and Couey's semen on a mattress in his bedroom, as well as Jessica's fingerprints in a closet in the trailer.

Questions linger amid joy

Families celebrate return of missing boys in Missouri

KIRKWOOD, Mo. (AP) —

Investigators who made the incredible discovery of two kidnapped boys in a tiny apartment turned Saturday from euphoria to some troubling questions.

What could have motivated the suspect? How did he treat the boys? And how was he able to keep them hidden in plain sight just an hour's drive from their hometowns — one for four days, the other for four years?

"It's hard to believe that somebody could be that brazen," said Craig Akers, whose stepson Shawn Hornbeck was abducted in 2002 at age 11. "His has been going on four years, and he's been right under our nose the whole time."

In back-to-back news conferences Saturday, parents of the now-15-year-old Hornbeck and 13-year-old Ben Ownby told of an outpouring of hugs, kisses and "I love yous" following the discovery in this St. Louis suburb Friday that they described as nothing short of a miracle.

The sons smiled often by their parents' sides but were told not to answer questions. Police said they could not discuss details of their investigation of 41-year-old Michael Devlin, who was jailed on \$1 million bond on a kidnapping charge and could face more charges before an arraignment later this week.

Neighbors in the two-story, brick apartment complex said Devlin, a burly, 300-pound man with wire-rimmed glasses and a beard, hardly appeared to be keeping secrets. He had lifelong ties to this middle-class suburb of 26,000, family in the area and apparently no criminal record beyond a pair of traffic fines. He was often seen coming and going from his jobs at a pizza

parlor and a funeral home, and nothing seemed odd about a teenager seen hanging around his place.

Others said Devlin said little and stayed to himself — unless someone took the parking spot he preferred. Last fall, when Rob Bushelle pulled into the unassigned spot, Devlin pulled next to him and became irate, threatening to call police.

The landlord at the apartment, Bill Romer, said he was in the apartment once to fix a plumbing problem and saw the teen, apparently Hornbeck, sleeping.

"As far as I knew, that was his son living with him," Romer said. "The kid's bedroom didn't even have curtains on the windows."

Rick Butler, 43, who lives across the street, said he saw no evidence that the boy was scared or trying to get away. He even saw Devlin and the teen pitch a tent outside in the complex, which sits near railroad tracks and Interstate 44 in a working-class section of well-to-do Kirkwood.

"I didn't see or hear anything odd or unusual from the apartment," Butler said. "I just figured them for father and son." Last fall, Butler said he found a cell phone outside, called a number on it and the teen came outside to retrieve it. "Thanks a lot for the phone," he recalled the boy saying.

Alma Rodriguez often saw the teenager riding his bike in the parking lot behind the complex. Her husband, Mario, sometimes saw him throwing a football with another boy. Hornbeck did not attend school during his time in captivity, his stepfather said. Harry Reichard, 33, who lives in the

apartment directly above Devlin's basement apartment, said he would hear arguing and banging noises at all hours coming from the apartment.

At the Bopp Chapel funeral parlor, where Devlin worked a twice-a-week shift answering phones, he was described as a punctual but quiet worker who never discussed his private life.

"I can't tell you the feeling here," said funeral director Chris Roth. "Complete excitement for the boys being found to shock that it was him."

The St. Louis Post-Dispatch reported that Devlin's relatives also were shocked by the case and said they had no idea the boy was with him.

At Imo's Pizzeria, where Devlin was a manager, an employee who did not want to be identified told the newspaper that a boy called the restaurant Friday afternoon looking for Devlin, who was being questioned by the FBI at the time. The worker noticed on the caller ID that the call came from Devlin's home. The boy told him, "I'm Shawn Wilcox. My father is a friend of Mike Devlin."

The case recalls the improbable survival of Elizabeth Smart, the Salt Lake City teen taken for nine months by a religious zealot. After her return, many questioned why she didn't flee her captors, despite many apparent chances at freedom.

Stephen Golding, a forensic psychologist who examined the suspect in the Smart case, said captors often establish control over their victims through fear. "People are led to believe, through someone taking advantage of their vulnerabilities, that leaving is not an option, that things will get worse for them or



Ben Ownby, left, stands beside his sister Amanda, father William, and mother Doris, right, at a news conference in Union, Mo., Saturday. Ben Ownby, who vanished from the gravel road near his home five days ago, was found alive Friday about 60 miles away in a suburban St. Louis home, along with a 15-year-old boy missing since 2002, authorities said.

*Will get worse for others," Golding said.

Goldboys were abducted from rural areas of eastern Missouri, both about an hour from metro St. Louis. Hornbeck disappeared Oct. 6, 2002, while riding his bike in Richwoods in Washington County. Ownby was taken soon after getting off a school bus Monday afternoon in the Franklin County town of Beaufort, a beat-up white pickup seen by a schoolmate the only tell clue.

On Thursday night, police in Kirkwood, an upper middle class suburban town, noticed a truck matching the description while serving an unrelated warrant at a nearby apartment. When FBI agents walked into a suburban St. Louis apartment a day later,

13-year-old Ownby asked them, "Are you going to take me home?" and another teenager in the modest dwelling identified himself as Hornbeck — reported missing 4 1/2 years ago.

"Obviously it was quite euphoric," FBI Special Agent Roland Corvington said Saturday.

Hornbeck's parents dealt with their grief over the years by devoting themselves to bringing missing people home. Having their son back, they said at a news conference, was evidence for parents of other missing children to never give up hope.

"I still feel like I'm in a dream, only this time it's a good dream, not the nightmare I've had four-and-a-half years," said his mother Pam Akers.